

Family lawyers call for open courts in child welfare cases

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Some Yukon lawyers involved in family law say there should be less secrecy surrounding court cases involving children at risk in the territory.

Territorial law now dictates that cases involving children at risk are conducted behind closed doors. Only family, the lawyers and the social workers involved are permitted access.

"It's quite archaic," said Whitehorse legal aid lawyer David Christie, who says an open court is the norm elsewhere.

"It is the exception, having a closed court, and some would argue that it is better for justice to be seen and heard rather than keeping it closed," he said.

Lawyer Fia Jampolski, who also works for the Yukon Legal Services Society, says Yukoners should know what's going on behind those closed doors. She said it could help ensure kids at risk get the kind of protection they need.

"To allow the process to open up somewhat, I think would make certain stakeholders perhaps more answerable to what is going on in those courts," she said.

"It may be beneficial to having some input into what is going on in those courts but certainly there are some interests that have to be preserved and protected."

The lawyers also said they'd like judges to have more discretion when dealing with cases of suspected child abuse.

Currently, the law allows judges only to remove children from homes or allow them to stay. They say the law needs more flexibility to allow judges to tailor a solution to a family's needs— perhaps allowing for increased supervision, or other innovative solutions.

Both lawyers said they're hoping changes to child welfare legislation in the Yukon will bring some of those secrets to light, while still protecting the public identity of children involved. The act is currently under review by government and First Nations leaders.